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Judge Richard A. Jones
Magistrate-Judge J. Richard Creatura

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

6 EUGENE HOLLEY,

7 Plaintiff,

8 vs.

9 NANCY BERRYHILL, ACTING
10 COMMISSIONER OF SOCIAL SECURITY,

11 Defendant.

Case No.: 2:17-cv-00771-RAJ-JRC

**ORDER GRANTING PLAINTIFF'S
MOTION FOR EAJA FEES AND COSTS**

**NOTING DATE: FRIDAY
JANUARY 25, 2019**

12 ORDER

13 This having come on before the court on Plaintiff's motion for an award of EAJA fees and
14 costs, ECF 37, in which Plaintiff seeks \$20.85 in cost and \$6,128.29 in attorney's fees under the Equal
15 Access to Justice Act (EAJA), 28 U.S.C. §2412(a)(1) and (d)(1)(A), after the court's decision in
16 plaintiff's favor.

17 A party who prevails in a civil action against the United States is entitled to costs under EAJA,
18 28 U.S.C. §2412(a)(1). Additionally, a party who prevails in a civil action, other than a tort case,
19 against the United States is entitled to attorney's fees and expenses under EAJA, unless the Court finds
20 the United States's position was substantially justified or special circumstances make an award unjust.
21 28 U.S.C. §2412(d)(1)(A). If attorney's fees and expenses are merited the court may award a
22 reasonable sum. 28 U.S.C. §2412(b); *see also Hensley v. Eckerhart*, 461 U.S. 424, 436-37 (1983)
23 (discussing a district court's broad discretion in determining an appropriate award). The court finds
24 that under the EAJA, plaintiff is entitled to an award of attorney's fees and costs.

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1 The Court finds the award Plaintiff requests is reasonable. Based on Plaintiff's submissions
2 itemizing the cost of certified mail for service of process and the hours the attorney spent on this
3 matter and using the Ninth Circuit's EAJA hourly rates, the court awards Plaintiff the following: (1)
4 \$20.85 in costs, and (2) \$6,128.29 in fees as itemized by dates and conforming to the hourly rates
5 established by the Ninth Circuit, for a total award of \$6,149.14.

6 Accordingly, **IT IS HEREBY ORDERED:**

- 7 1. Plaintiff's motion for costs and attorney's fees, **ECF 37**, is **GRANTED** in the
8 amount of \$6,149.14.
- 9 2. The Commissioner is **DIRECTED** to pay EAJA costs and attorney's fees in the
10 amount of \$6,149.14.
- 11 3. The EAJA award shall be made **Payable Directly to Plaintiff's Counsel** and
12 should be issued and payable directly to plaintiff's attorney, Harvey Grad, 323
13 Queen Anne Ave. N., Suite 102, Seattle, WA 98109 in the sum of \$6,218.29 in fees,
14 and for \$20.85 in costs.
- 15 4. EAJA costs, attorney's fees and expenses, are subject to any offsets allowed under
16 the Treasury Offset Program, as discussed in *Astrue v. Ratliff*, 560 U.S. 586 (2010).
- 17 5. Since this court remanded this case for further administrative proceedings and there
18 are no pending motions, hearing or deadlines, the Clerk's Office is directed to now
19 **CLOSE** this file.

20 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order and provide
21 copies to all counsel.

22 Dated this 28th day of January 2019.

23 
24 RICHARD A. JONES, United States District Court Judge